

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

DERRICK SAFFOLD,
Plaintiff,

vs.

OFFICER CHRIS MASSEY
and WARDEN J. D. WISE,
Defendants.

CV 01-H-1956-W

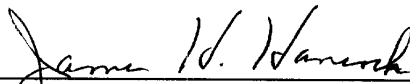
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U.S. DISTRICT COURT
N.D. OF ALABAMA
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MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on June 10, 2002, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed pursuant to 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief can be granted. No objections have been filed.¹

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b). A Final Judgment will be entered.

DATED this 3rd day of September, 2002.


JAMES H. HANCOCK
SENIOR UNITED STATES DISTRICT JUDGE

¹ The magistrate judge's report and recommendation was initially mailed to the plaintiff at the Limestone Correctional Facility. It was returned by the Postal Service as undeliverable. Although the plaintiff has failed to keep the court apprised of his current address, it appears from the partial filing fee payments received by the clerk that the plaintiff has been transferred to the Elba Work Release. Accordingly, the clerk re-mailed the report and recommendation to the plaintiff at the Elba Work Release on July 18, 2002 and July 29, 2002.